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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

PAUL WAYNE FIFFY,

Defendant

No. CR 08-00169 JW

**UNITED STATES' MOTION TO  
DISMISS**

COMES NOW THE UNITED STATES OF AMERICA, plaintiff herein, and files its  
motion to dismiss all charges in the above captioned case.

After indictment in this case, the United States Attorney's Office became aware that Mr.  
Fifty was prosecuted for the same offense by the District Attorney's Office for the County of  
Santa Cruz, and convicted. Pursuant to long standing policy of the U.S. Department of Justice  
(the "Petite Policy") and Fed R. Crim. P. 48(a), we move to dismiss all charges.

Date: April 17, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

GARY G. FRY  
Assistant United States Attorney